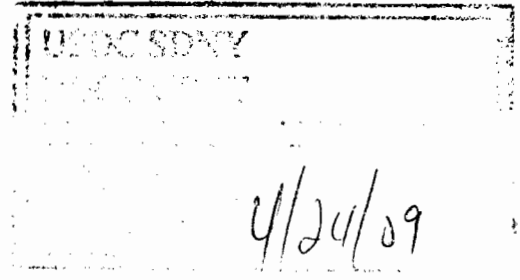


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
JOSE CARRASCO :

Plaintiff, :

-v.- :

DETECTIVE MORALES and JOHN DOE :

Defendants. :

-----X

ORDER

08 Civ. 10439 (VM)(GWG)

GABRIEL W. GORENSTEIN, United States Magistrate Judge.

As noted in an Order dated April 2, 2009, the original complaint in this matter was filed pro se by plaintiff Jose Carrasco on December 2, 2008 naming "Detective Morales" and "John Doe" as defendants. See Complaint, filed Dec. 2, 2008 (Docket # 2). It alleged that Carrasco was assaulted by two detectives while being escorted to an intake area. Id. ¶ II.D. Other materials sent to the Court stated that the incident occurred on May 21, 2008, in the intake area of A.M.K.C. C-95 at Rikers Island.

On February 19, 2009, the Court received a new complaint regarding an incident occurring on October 24, 2008 in a different part of Rikers Island, which the Court docketed in the 08 Civ. 10439 case on February 19, 2009 as an Amended Complaint (Docket # 7). In the April 2, 2009 Order, the Court directed to identify which incident he intended to pursue or to file a new complaint regarding both incidents.

Since the issuance of the April 2 Order, however, the Court has learned that the pleading that was docketed in this action as the Amended Complaint is in fact the very complaint that plaintiff filed in Carrasco v. NYC Dep't of Corrections, 09 Civ. 1698 (LBS) (filed Feb. 24, 2009) (relating to an incident on October 24, 2008).¹

Accordingly, the document filed as "Amended Complaint" in this action (Docket # 7) is hereby stricken. The governing complaint in this matter shall be the original complaint, filed December 3, 2008 (Docket # 2) (relating to an incident on May 21, 2008).

¹ The Court notes that plaintiff has also filed a third action, Carrasco v. NYC Dep't of Corrections, 09 Civ. 313 (HB) (filed Jan. 12, 2009) (relating to incidents on May 30, 2008; June 9 or June 10, 2008; and June 27, 2008).

In light of this ruling, the Court will reinstate the obligations it imposed on the City in its January 20, 2008 Order. That is, the Court hereby ORDERS the Corporation Counsel to provide to the plaintiff the full names and addresses for service on Detective Morales and John Doe. This information shall be provided to the plaintiff by letter on or before May 5, 2009, with a copy to the undersigned.

Plaintiff must thereafter provide this information to the United States Marshal on the appropriate form (Form 285) so that service may be effectuated. The deadline for plaintiff to effectuate service under Fed. R. Civ. P. 4(m) is extended to July 6, 2009. The Pro Se Office at the United States Courthouse, 500 Pearl Street, Room 230, New York, New York ((212) 805-0175) may be of assistance in connection with court procedures.

Finally, the Court notes that in the future, plaintiff shall send correspondence to the undersigned only with respect to the 08 Civ. 10439 case – that is, regarding the incident of May 21, 2009. In addition, he must send letters only in English. Finally, a copy of any such letters (or any other papers sent to or filed with the Court) must be sent to the Assistant Corporation Counsel listed below.

SO ORDERED.

Dated: April 24, 2009
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge

Copies sent to:

Shlomit Aroubas
Assistant Corporation Counsel
100 Church Street
New York, NY 10007

Jose Carrasco
09-A-1668
Downstate Correctional Facility
122 Red Schoolhouse Rd, P.O. Box F
Fishkill, New York 12524-0445